IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR.

O R D E R

S.I. Man Singh. Versus State of Rajasthan.

S.B. Criminal Misc. Petition No. 546/2001
for quashing the criminal proceedings.
...

Date of Order: August 29, 2006

PRESENT

HON'BLE MR. JUSTICE H.R. PANWAR

Mr. C.S. Rathore, for the petitioner.
Mr. Ashok Upadhyaya, Public Prosecutor for the State.

BY THE COURT:

By the instant criminal miscellaneous petition under Section 482 Cr.P.C., the petitioner seeks quashing of the proceedings in Sessions Case No. 34/1999 pending in the Court of the Additional Sessions Judge, Sojat, district Pali.

I have heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the complaint filed by Chuki Devi against the present petitioner and one Ghewar Mal for the offences under Sections 115, 116, 195, 165(a), 348, 509 and 120-B, IPC. After investigation, the police filed the Challan and the matter has been committed to the Court of Sessions for trial of the case.

It is contended by the learned counsel for the

petitioner that the petitioner, at the relevant time, was posted as the Station House Officer, Police Station, Shivpura and carried out the investigation in FIR No. 31 dated 8-4-1997 for the offences under Sections 376 and 366 IPC. However, prosecutrix Chuki Devi did not support the prosecution case in her statement recorded under Section 164 Cr.P.C. before the Judicial Magistrate, Marwar Junction and the police filed negative final report in the FIR case. Thereafter complainant Chuki Devi filed a complaint before the Judicial Magistrate, Sojat.

It appears from the record that the Additional Sessions Judge framed charges against the petitioner as also co-accused Ghewarvan. The statement of the complainant has been recorded by the trial Court. She appeared as PW 1.

It is contended by the learned counsel for the petitioner that the FIR was registered by co-accused Ghewarvan and he, being the Station House Officer, investigated the matter and filed the negative final report. The allegation against the petitioner is that he and co-accused Ghewarvan hatched the criminal conspiracy to lodge a false case against Pukha Ram and Moti Ram etc. for the offences under Sections 376 and 366 IPC, whereas no such offences, as alleged by Ghewarvan, have taken place. The allegations made in the complaint are very specific to the extent that the present petitioner and the author of the FIR Ghewarvan, who is the brother-in-law of the complainant, lodged

a false case in order to extract the money from the persons against whom the case has been instituted.

Learned counsel submits that if at all a false case was instituted by Ghewarvan, the petitioner has no role to play. The averments in the complaint and the statements are prima facie indicative to the extent that the petitioner also pressurised the complainant to make a statement against Pukha Ram and Moti Ram etc. She alleged that she was locked up in the police station and was pressurised to make statement against those persons. In the circumstances, therefore, it cannot be said at this stage that the criminal prosecution against the petitioner and co-accused Ghewarvan would result in serious miscarriage of justice or abuse of process of any Court.

Consequently, the criminal miscellaneous petition has no force and it is dismissed accordingly.

(H.R. PANWAR), J.

mcs